

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated November 19, 2007 (“*Office Action*”). At the time of the Office Action, Claims 1, 2, 4-7, 9, 11-15, 17, and 19-27 were pending and rejected. Applicant amends Claims 1, 15, 17, 19-21, 26, and 27. Applicant submits that no new matter is added by these amendments. Applicant respectfully requests reconsideration and favorable action in this case.

Section 112 Rejections

The Examiner rejects Claims 1-2, 4-7, 9, 11-15, 17, and 19-27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states:

The examiner found no support in the application specification for “on-line processing of merchandise returns for a plurality of merchants; Storing a set of return rules in a database for each of the plurality of merchants; in response to receiving the request from the customer, identifying a merchant associated with that at least one item of merchandise and identifying transaction information associated with the at least one item of merchandise;” recited in claim 1, 15, 17, 19, 20, 21-22, 24, and 26. In addition there is no support in application specification for a logic embodied in a computer-readable medium and when executed operable to:” recited in claims 17, 21, and 26-27.

(*Office Action*, page 3). Because Applicant’s Specification provides adequate support for the above-identified claim limitations, Applicant respectfully traverses these rejections.

With regard to the phrases “plurality of merchants” and “storing a set of return rules in database for each of a plurality of merchants,” Applicant first notes that the phrases are not found in independent Claims 22, 24, and 26. Thus, the rejection of Claims 22, 24, and 26 on this basis is improper. With regard to independent Claims 1, 15, 17, 19, 20, and 21, Applicant respectfully submits that the Specification does indeed provide adequate support for the phrases “plurality of merchants” and “storing a set of return rules in database for each of a plurality of merchants.” For example, support of the recited phrases, Applicant directs the Examiner to at least the following portions of Applicant’s Specification:

- Page 14, lines 29-31, which states, “Retailer database 216 contains a listing of the various retailers that participate in a local returns of remotely purchased merchandise program.”

- Page 20, lines 24-27, which states, “One method of validating a return might involve comparing the item to be returned against a returns rule set for the retailer from which the item was purchase.”
- Claims 3, 16, 18, 19, 20, and 21, as originally filed in the Specification, which relate to the storing of return rules for a merchant.
- Applicant’s Figure 1A, which depicts in a transaction listing 101 including multiple transactions for a plurality of retailers.
- Figure 1B likewise depicts a “You Selected to Return” box that includes items for a plurality of retailers.

In view of Figures 1A and 1B and at least the passages cited above, Applicant’s Specification clearly provides written description and adequate support for “a plurality of merchants” and for “storing a set of return rules in a database for each of the plurality of merchants,” as recited in Claims 1, 15, 17, and 19-21.

With regard to the phrases “identifying a merchant associated with that at least one item of merchandise and identifying transaction information associated with the at least one item of merchandise,” Applicant first notes that the phrases are not found in independent Claims 22, 24, and 26. Thus, the rejection of Claims 22, 24, and 26 on this basis is improper. With regard to Claims 1, 15, 17, 19, 20, and 21, Applicant respectfully submits that the Specification does indeed provide adequate support for the claim language. However, to advance prosecution of this case, Applicant has amended Claims 1, 15, 17, 19, 20, and 21 to replace the phrase identified by the Examiner with “in response to receiving the request from the customer, gathering transaction history data associated with the customer from a computerized database.” For adequate support of the newly recited phrase, Applicant directs the Examiner to at least Page 4, lines 16-20 and Page 12, lines 17-26 of Applicant’s Specification. In view of at least these passages, Applicant’s Specification clearly provides written description and adequate support for “in response to receiving the request from the customer, correlating the request with the set of return rules of the selected one of the plurality of merchants associated with the at least one item of merchandise,” as recited in Claims 1, 15, 17, 19, 20, and 21.

Applicant additionally contends that the Specification provides written and adequate support for the phrase “a logic embodied in a computer-readable medium and when executed operable to.” However, to advance prosecution of this case, Applicant has amended Claims 17, 21, and 26 to remove the term “logic” and has replaced it with “software.” For adequate

support of “software,” Applicant directs the Examiner to Page 15, line 27 through Page 16, line 2 of Applicant’s Specification. Additionally, Applicant directs the Examiner to Figure 2, which depicts a server 210 and a number of databases 214, 215, and 216. In view of Figures 1A and 1B and at least the passages cited above, Applicant’s Specification clearly provides written description and adequate support for “a plurality of retailers” and for “storing a set of return rules in a database for each of the plurality of merchants,” as recited in Claims 17, 21, and 26-27.

For at least these reasons, Applicants submit that the Claims 1, 15, 17, 19-21, 22, 24, and 26 comply with 35 U.S.C. § 112, first paragraph. Applicants respectfully request reconsideration of Claims 1, 15, 17, 19-21, 22, 24, and 26.

Section 101 Rejections

The Examiner rejects Claims 17-18, 21, and 26-27 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states that “Claims 17-18, 21, and 26 recite “computer product,” which do not fall within the four statutory classes of 101.” (Office Action, page 2). Applicant has amended Claims 17, 21, and 26-27 to address the issues identified by the Examiner. For example, Claim 17, as amended, recites “software embodied in a computer-readable medium.” Claims 21 and 26-27 have amended to include similar language. Claim 18 has been cancelled. For at least these reasons, Applicant respectfully requests that the rejection of the Claims 17-18, 21, and 26-27 under § 101 be withdrawn and the claims allowed.

Section 103 Rejections

The Examiner rejects Claims 1-2, 4-7, 9, 11-15, 17, and 19-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,980,962 issued to Arganbright et al. (“*Arganbright*”) in view U.S. Patent Application Publication No. 2002/0010634 issued to Roman et al. (“*Roman*”) and further in view of U.S. Patent No. 7,197,475 issued to Lorenzen et al. (“*Lorenzen*”).

A. Claims 1, 2, 6, 7, 11-15, 17, and 19-21

Independent Claim 1 of the present Application, as amended, recites:

A method of using a computer system for on-line processing of merchandise returns for a plurality of merchants, comprising the steps of:

storing a set of return rules in a database for each of the plurality of merchants;

receiving, via the Internet, a return request representing a request by a customer to initiate a return of at least one item of merchandise;

in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database;

displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history;

using the set of return rules associated with the identified merchant and the transaction information to validate the return;

upon validating the return, electronically delivering data about the customer to the merchant associated with the return;

processing the return in accordance with the set of return rules associated with the merchant.

Applicant respectfully submits that the proposed *Arganbright-Roman-Lorenzen* combination does not disclose the combination of elements recited in Applicant's amended Claim 1.

1. The references do not disclose, teach, or suggest "in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database."

For example, the proposed *Arganbright-Roman-Lorenzen* combination does not disclose, teach, or suggest "in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database," as recited in Claim 1. With respect to Applicant's return request, the Examiner relies specifically upon *Arganbright*. However, according to *Arganbright*, the process for handling returns begins when "the system presents the user with a copy of the satisfaction guarantee 2702." (*Arganbright*, Column 63, lines 3-5). "After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to "return" or "exchange" (box 2704) an item or plurality of items." (*Arganbright*, Column 63, lines 8-11). After selection of "return" or "exchange," the appropriate form is populated by the users. Thus, the request form is populated by the Applicant and includes the necessary information. Once the form is populated by the user, the form is "forwarded to the marketing company by any method, including, but not limited to, email, regular mail, or telephone." (Column 63,

lines 51-54). There is no further disclosure in *Arganbright* with respect to the processing of the return beyond the point where the form is populated and delivered to the marketing company by either mail or email. Accordingly, there is no disclosure in *Arganbright* of “in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database,” as recited in Applicant’s Claim 1.

The identified deficiencies of *Arganbright* are not cured by *Roman*. *Roman* merely discloses that a customer is “asked a series of questions about the return” to obtain information “such as receipt number, consumer’s name, phone number, description of the product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, Page 1, paragraph 0015). In response, “ClickReturns.com system automatically analyzes the submitted return fro fraud and abuse against a proprietary database.” (*Roman*, Page 1, paragraph 0015). “The ClickReturns.com system then provides online suggestive up-selling techniques custom to the e-tailers requests” to “offer a similar replacement product for purchase or exchange from the originating e-tailer.” (*Roman*, Page 2, paragraph 0017). Thus, *Roman* only discloses analyzing the return for fraud and offering replacement products in response to the return request. Like *Arganbright*, *Roman* discloses that the information is obtained from the user. *Roman* does not disclose, teach, or suggest “in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database,” as recited in Applicant’s Claim 1.

Lorenzen also does not disclose the recited claim features and operations. In fact, the cited portion of *Lorenzen* does not at all relate to return rules or to returns processing. *Lorenzen* merely discloses a “multi-vendor Internet Commerce System” that enables e-commerce “for a plurality of vendors through the Internet” and relieves “the individual vendor websites from having to set up and maintain some or all of certain facilities (i.e., programs and capabilities, including merchant database, consumer database, shopping cart facilities, checkout facility, and the like).” (*Lorenzen*, Abstract). The cited portion of *Lorenzen* merely disclose a “universal shopping cart” that allows consumers to “select additional items from the same vendor or even from different vendors who have registered with the Multi-Vendor Internet Commerce System (MV-ICS) 300 to add additional items into the universal shopping cart at Multi-Vendor Central System (MV-VCS) 240.” (*Lorenzen*,

Column 12, lines 24-37). Thus, *Lorenzen* merely allows the customer to purchase items from multiple vendors in a single transaction. (*Lorenzen*, Column 12, lines 38-53). There is no disclosure in *Lorenzen* of “in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database,” as recited in Applicant’s Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 6, 7, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15, 17, and 19-21, together with Claim 16 that depends on Claim 15.

2. The references do not disclose, teach, or suggest “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history.”

For example, the proposed *Arganbright-Roman-Lorenzen* combination does not disclose, teach, or suggest “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history,” as recited in Claim 1. As discussed above, *Arganbright* merely allows a user to select exchange or return of an item and then populate a form. (*Arganbright*, Column 63, lines 3-11). Once the form is populated by the user, the form is “forwarded to the marketing company by any method, including, but not limited to, email, regular mail, or telephone.” (Column 63, lines 51-54). Prior to the population of the form there is no disclosure in *Arganbright* of “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history,” as recited in Claim 1. After the form is received by the marketing company, there is no further disclosure in *Arganbright* with respect to the processing of the return beyond the point where the form is populated and delivered to the marketing company by either mail or email. Accordingly, there is no disclosure in *Arganbright* of “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history,” as recited in Applicant’s Claim 1.

The identified deficiencies of *Arganbright* are not cured by *Roman*. *Roman* merely discloses that a customer is “asked a series of questions about the return” to obtain information “such as receipt number, consumer’s name, phone number, description of the

product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, Page 1, paragraph 0015). In response, “ClickReturns.com system automatically analyzes the submitted return fro fraud and abuse against a proprietary database.” (*Roman*, Page 1, paragraph 0015). “The ClickReturns.com system then provides online suggestive up-selling techniques custom to the e-tailers requests” to “offer a similar replacement product for purchase or exchange from the originating e-tailer.” (*Roman*, Page 2, paragraph 0017). Thus, *Roman* only discloses analyzing the return for fraud and offering replacement products in response to the return request. Like *Arganbright*, *Roman* discloses that the information is obtained from the user. *Roman* does not disclose, teach, or suggest “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history,” as recited in Applicant’s Claim 1.

Lorenzen also does not disclose the recited claim features and operations. In fact, the cited portion of *Lorenzen* does not at all relate to return rules or to returns processing. *Lorenzen* merely discloses a “multi-vendor Internet Commerce System” that enables e-commerce “for a plurality of vendors through the Internet” and relieves “the individual vendor websites from having to set up and maintain some or all of certain facilities (i.e., programs and capabilities, including merchant database, consumer database, shopping cart facilities, checkout facility, and the like).” (*Lorenzen*, Abstract). The cited portion of *Lorenzen* merely disclose a “universal shopping cart” that allows consumers to “select additional items from the same vendor or even from different vendors who have registered with the Multi-Vendor Internet Commerce System (MV-ICS) 300 to add additional items into the universal shopping cart at Multi-Vendor Central System (MV-VCS) 240.” (*Lorenzen*, Column 12, lines 24-37). Thus, *Lorenzen* merely allows the customer to purchase items from multiple vendors in a single transaction. (*Lorenzen*, Column 12, lines 38-53). There is no disclosure in *Lorenzen* of “displaying the transaction history to the customer for selection of a particular item of merchandise within a listing of merchandise included in the transaction history,” as recited in Applicant’s Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 1, together with Claims 2, 6, 7, and 11-14 that depend on Claim 1. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 15, 17, and 19-21 together with Claim 16 that depends on Claim 15.

B. Claims 22-27

Initially, Applicants note that in the *Office Action*, the Examiner states that the limitations of Claims 22-27 “are similar to the limitations of Claims 1 and 25, therefore [Claims 22-27] are rejected based on the same rationale.” (*Office Action*, page 7). However, in the previous Response to Office Action submitted on September 14, 2007, Applicants presented arguments with respect to Claims 22-27 that were distinct to these claims. Applicants expressly disagree with the Examiner’s characterization of Claims 22-27 as being “similar to the limitations of Claims 1 and 25.

It continues to be Applicants position that *Arganbright* does not disclose, teach, or suggest at least the following claim elements recited in Claim 22:

- transmitting a client identifier to a client system associated with the customer;
- in a second transaction, receiving, via the Internet, a return request . . . comprising the client identifier that uniquely identifies the client system from which the return request is received; and
- using the client identifier to identify the customer-specific return information.

As discussed above, *Arganbright* merely discloses “a system and method for providing complete electronic commerce (“E-Commerce”) transactions and solutions for a marketing company’s products via the World Wide Web.” (Abstract). According to *Arganbright*, “an individual may register with the marketing system as a Client, a Member, or a Member Plus.” (Column 2, lines 26-27). A client is eligible to buy products at a Client price, a member is eligible to buy products at a Member price, and a member plus is eligible to buy products at a Member Plus price. (Column 2, lines 27-32). Thus, the *Arganbright* system offers variable prices to customers based on the customer’s status. “Client” as used in *Arganbright* refers to the customer. It does not refer to a client system. Further, although *Arganbright* briefly discusses a “process for handling returns” (Column 62, line 51 through Column 63, line 55), there is no disclosure in *Arganbright* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of

“using the client identifier to identify customer-specific return information.” At least these elements are absent from the disclosure of *Arganbright*.

The deficiencies of *Arganbright* are not cured by the additional disclosures of *Roman* and *Lorenzen*. As discussed above, *Roman* merely discloses that a customer is “asked a series of questions about the return” to obtain information “such as receipt number, consumer’s name, phone number, description of the product being returned matching original transaction record collected from step above, condition of the product, such as original packaging and working condition.” (*Roman*, Page 1, paragraph 0015). In response, “ClickReturns.com system automatically analyzes the submitted return fro fraud and abuse against a proprietary database.” (*Roman*, Page 1, paragraph 0015). “The ClickReturns.com system then provides online suggestive up-selling techniques custom to the e-tailers requests” to “offer a similar replacement product for purchase or exchange from the originating e-tailer.” (*Roman*, Page 2, paragraph 0017). Thus, *Roman* only discloses analyzing the return for fraud and offering replacement products in response to the return request. Accordingly, like *Arganbright*, there is no disclosure in *Roman* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of “using the client identifier to identify customer-specific return information.”

Likewise, *Lorenzen* also does not disclose the recited claim features and operations. In fact, the cited portion of *Lorenzen* does not at all relate to return rules or to returns processing. *Lorenzen* merely discloses a “multi-vendor Internet Commerce System” that enables e-commerce “for a plurality of vendors through the Internet” and relieves “the individual vendor websites from having to set up and maintain some or all of certain facilities (i.e., programs and capabilities, including merchant database, consumer database, shopping cart facilities, checkout facility, and the like).” (*Lorenzen*, Abstract). There is no disclosure in *Lorenzen* of obtaining from a return request a “client identifier that uniquely identifies the client system from which the return request is received” or of “using the client identifier to identify customer-specific return information.”” as recited in Applicant’s Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance Claims 22, together with Claim 23 that depends on Claim 22. For analogous reasons, Applicant also requests reconsideration and allowance of independent Claims 24 and 26, together with Claims 25 and 27 that depend on Claims 24 and 26, respectively.

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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes that no fees are due; however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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